

4509. Adulteration and misbranding of tomato ketchup. U. S. v. 23 and 14 Cases of Tomato Ketchup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 6653, 6654. I. S. Nos. 3172-k, 3174-k. S. No. E-330.)

On June 25, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 and 14 cases of tomato ketchup, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the article had been shipped, on or about May 26, 1915, and transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Morris Best Brand Tomato Catsup. Contains small tomatoes, trimmings, onions, garlic, spices, sugar, 1/10 of one per cent. benzoate of soda. Contents large bottle 11 oz. net, small bottle 5-1/2 oz. net. Lansdale Pure Food Co. Factories Lansdale and Perkasio, Pa. Philadelphia office 1227 Germantown Ave."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the shipment was in package form and the quantity of the contents of the packages was not plainly and conspicuously marked on the outside of each package in terms of weight and [or] measure.

On October 4, 1915, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of a putrid vegetable substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*